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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE JOSEPH P. LAVERY,  
Plaintiff,

Case No. 15-cv-5577-TEH

ORDER OF DISMISSAL

This case was opened when Plaintiff wrote a letter to the Court regarding prison conditions. In an effort to protect his rights, it was filed as a new case. Plaintiff was informed that he had not filed a complaint and was given twenty-eight days to do so. He also was sent a notice that he had not paid the filing fee or applied for leave to proceed in forma pauperis ("IFP"); again, he was allowed twenty-eight days to either pay the fee or file the application. A copy of the Court's form for applications to proceed IFP was provided with the notice, along with a return envelope.

Plaintiff has filed a notice that he did not intend to initiate an action and seeks to dismiss this case. This case is therefore DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a). No fee is due.

1           **The clerk shall close the file.**

2           **IT IS SO ORDERED.**

3           **Dated: 01/11/2016**

4             
5           **THELTON E. HENDERSON**  
6           **United States District Judge**

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United States District Court  
Northern District of California